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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,268	04/23/2001	Egbert Berend Holkamp	P66318US0	2525

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EXAMINER

YIP, WINNIE S

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 04/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/720,268

Applicant(s)

HOLTKAMP, EGBERT BEREND

Examiner

Winnie Yip

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1,3-19,21,23-33,35-37 and 41 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) 1,3-19,21,23-33,35-37 and 41 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 09 December 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Part II DETAILED ACTION

This office action is in response to applicant's amendment filed on December 9, 2002 and January 23, 2003.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(h)(3) because in Fig. 4, the plane upon which a sectional view is taken is not indicated on the general view by a broken line, the ends of the broken line should be designated by numerals corresponding to the figure number of the sectional view and have arrows applied to indicate the direction in which the view is taken in order to understand the sectional view belong to what element. Correction is required.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features such a “the at least one covering panel is completely/partially removable from the tent construction” (claims 1, 13, 21) , and the “basic panel” provides “a hollow appearance” (claims 16 and 33) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: all brackets (i.e., page 1, line 6 “(tent)”; page 1, lines 17 and 19, “(folding trailer)”; page 5, line 1, “(comparable with a timered house)” on the specification should be deleted to avoid the confusion of cancellation.

Appropriate correction is required. A substitute specification may be required.

Claim Objections

4. Claims 1 and 41 are objected to because of the following informalities:

a. In claims 1 and 41, the term “desired” may cause the claims vague and indefinite.

Appropriate correction is required.

b. In claim 1, line 8, the phrase “the at least one covering panel” is not consistent with the phrase “one or more covering panels” as previous defined. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. Claims 13-17, 19, 21, 23-29, 31-33, 35, and 41, as better understood, stand rejected under 35 U.S.C. 102(b) as being anticipated by Smith (US patent No. 1,833,095).

Smith teaches a tent construction being manufactured, comprising steps of:
manufacturing a basic tent construction having at least one panel formed by a number of relatively a narrow edge strips (4, 5) providing a plurality of basic roof panels (2) and a plurality basic wall panels (1,3) made from a desired material such as breathing cloth with mesh (2, 3) and durable cloth (4, 5), a plurality of covering panels (11, 10) made of waterproof material being partially removal from the respective basic panels with a double-walled design, the outer

covering panel (10 or 11) being removably mounted to the inner basic panels along the edges of the outer covering panel by detachable fastening means such as operating snap fasteners (16) to form parts of the roof or side walls of the tent structure, an interspaces being formed between the inner basic panel (2, 3) and the outer covering panels (10, 11) forming a hollow appearance for air passing through, and each outer roof panel (11) having holes (14) for receiving tent poles (12a) of a frame of the tent and hooks (13) of one or more tensioning means such as guy ropes (7) to provide means for stretching and tautening the covering panels to open and close the interspaces between the base inner panel and the outer covering panel, and the door panel formed on the wall panel (10) providing an expansion member to enable putting the covering panel (10) partially into an outwardly open position as claimed.

6. Claims 13-14, 17-19, 21, 23-24, 26-29, 31, 33, 35 and 41, as better understood, stand rejected under 35 U.S.C. 102(e) as being anticipated by Yang (US patent No. 5,915,399).

Yang discloses a tent construction as a protective tent structure being manufactured, comprising steps of: manufacturing a basic tent construction having a basic inner panel made of a breathing cloth like material such as screen-like knitting fabric (2), at least one outer covering panel (4) made of waterproof material which is air impervious fabrics to effectively block rainwater, said outer covering panel being completely removably mounted on the basic inner panel by suitable fastener means such as by zippers (41) or Velcro fasteners (72) along the edges (41) of the outer covering panel (4), said outer and inner panels (2 and 4) providing a double-wall on the roof and side wall of the tent structure, the inner panel (2) being provided with waterproof edge strips (3), and at least one expansion member (42) providing tensioning means

for tensioning, stretching, and tautening the covering panel of the tent structure into a closed position (see Fig. 2) and enabling to put the covering panel into an outwardly open position (see Fig. 1) .

7. Claims 13-17, 19, 21, 23-29, 31-33, 35, and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Pohl et al. (US patent No. 3,670,747).

Pohl et al. teaches a tent construction being manufactured, comprising steps of: making a tent construction having at least one roof panel of double-walled design, the at least one roof panel including an inner basic panel (12) from a desired material such as breathing cloth, a plurality of covering panels (14) made of waterproof material, the outer covering panel (14) having one edge (16) attached to the inner basic panel (12) and outer edge being removably mounted to the inner basic panels along the edges of the outer covering panel by detachable fastening means such as tie tapes (27) to form parts of the roof or side walls of the tent structure such that the outer covering panel (14) can be partially removable from the tent construction after loose the tie tapes, an interspaces being formed between the inner basic panel (12) and the outer covering panels (14) to form a hollow appearance for air passing through, a flap (19) is provided on the outer panel for covering the an entrance to the interspaces, the tie tapes (27) of the covering panel providing means to receive poles (21) to form tensioning means for stretching and tautening the covering panels to open and close the interspaces between the base inner panel, and the door panel formed on the wall panel (11a) providing an expansion member to enable putting the covering panel (10) partially into an outwardly open position as claimed.

8. Claims 1-6, 9-10, 13, 16-19, 21, 23-24, 26-28, and 41, as better understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Gustafson (US patent No. 4,719,935).

Gustafson discloses and teaches a tent construction being manufactured inherently with steps, comprising: a basic tent construction having at least one basic panel (31) formed by desired material, at least one covering panel (18) being formed by waterproof material, the covering panel being completely removably mounted to the basic panel by removably fasteners such as by zipper (19, 83) or Velcro (87, 91), wherein the basic panel including an opening enclosed by waterproof edge strips (83) and is closed off by the breathing material such as a mesh sheet (75) and is covered by the at least one covering panel (18).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 18 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith as applied to claim 13 and 21 above, and further in view of Feldman et al. (US Patent No.5,107,881).

The claims are considered to met by Smith as explained and applied above rejections except that Smith does not define the outer panel of the tent structure having edge flaps for covering the interspace between the outer panel and the inner panel. Feldman et al. teach a tent comprising at least one inner basic panel (40) formed by a desired material, a covering panel (28)

of waterproof material being attached over the inner basic panel to define an interspace between the panels to provide a hollow appearance therebetween, an edge flap (56) being provided along the outer edge of the outer panel for covering the interspace between the panels. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the tent of Smith having edge flaps disposed along the edges of the outer covering panel (11) for covering the interspace between the outer covering panel (11) and the inner basic panel (2) as taught by Feldman et al. for providing the tent with more aesthetic appearance.

11. Claims 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith as applied to claim 21 above, and further in view of Abert (US Patent No. 3,598,133).

The claims are considered to met by Smith as explained and applied above rejections except that Smith does not define the tent structure having a layer of insulating material provided between the basic inner panel and the outer panel as claimed. Abert teaches a tent structure having double-walls construction including a basic inner wall (14) and an outer wall (12), wherein the outer wall having a layer of insulating material (44) for preventing the interior of the tent from heating and cooling conditions. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the tent structure of Smith having a layer of insulating material provided between the inner and outer walls as taught by Abert for providing protection of the interior of the tent from heating and cooling condition.

12. Claims 1, 3-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith '095 in view of Warren (US Patent No. 1,820,412).

The claims are considered to met by Smith as explained and applied above rejections except that Smith does not define the tent structure having the one or more outer covering panels being completely removable from the tent structure as claimed. Warren teaches a tent comprising a plurality of panels (50) being detachably connected one to another by snap fasteners (51) to form outer roof panel. It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the tent of Smith having the outer covering panel (11) having the upper edge being removably attached to the inner basic panel (2) by suitable detachable fastening means such as Velcro or snap fasteners as taught by Warren as an common engineering practice instead of by stitching for providing the tent with one or more outer covering panels can be completely removed form the basic panel as claimed.

Response to Arguments

13. Applicant's arguments filed January 23, 2003 have been fully considered but they are not deemed to be persuasive.

In response to applicant's argument that Smith and Yang have tent structures are simply used for windows ventilation but is not used for double-walls and roofs as the claimed invention, it is not deemed to be persuasive. It is noted that applicant only claims a tent structure having a base inner panel with a "desirable material" and covered by an outer covering panel, and one or more outer covering panel is completely or partially removed form the tent. In the independent claims 1 and 21, applicant does not either positively claims the inner panel also removable to provide the tent with openings nor positively claims a gap between the inner basic panel and outer covering panel is provided for air through. The claimed features broadly read on the references to Smith and Yang. The basic inner panel of the tent structures of Smith and Yang

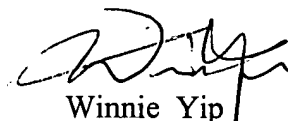
made of mesh-like cloth material for ventilation is broadly read on a "desirable material" as claimed invention. Wherein, Yang's mesh basic inner panel is considered to be "at least one basic panel" as claimed invention, and it is considered to be a part of a roof or wall of the structure. Whether or not Smith's base inner panel is provided with mosquito netting does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 703-308-2491. The examiner can normally be reached on M-F (9:30-6:30), Second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


Winnie Yip
Patent Examiner
Art Unit 3637